



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/090,165

03/05/2002

Osamu Kamataki

Q68836

5468

65565

7590

06/22/2007

SUGHRUE-265550

2100 PENNSYLVANIA AVE. NW

WASHINGTON, DC 20037-3213

EXAMINER

ASTORINO, MICHAEL C

ART UNIT

PAPER NUMBER

3736

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/090,165

Applicant(s)

KAMATAKI ET AL.

Examiner

Michael C. Astorino

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2, 9-10 is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Examiner acknowledges the response filed April 30, 2007.

#### ***Priority***

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15. Specifically, a translation is required of the foreign reference because the reference is not in the English Language.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, and 9-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has pointed to page 17, lines 5-11 to support the amendment in the claims. However, the specification does not mention "displaying . . . alarm information corresponding to a highest-ranked one of the alarm conditions for each of the plurality of patients." In fact, the disclosure relied on by the Applicant lacks any disclosure of how the alarms relate specifically to each patient or the patients.

**Note to Applicant:** Regarding claims 9 and 10, the word “for” in the claim may be properly interpreted as “capable of,” and “capable of” does not require that reference actually teach the intended use of the element, but merely that the reference does not make it so it is incapable of performing the intended use.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

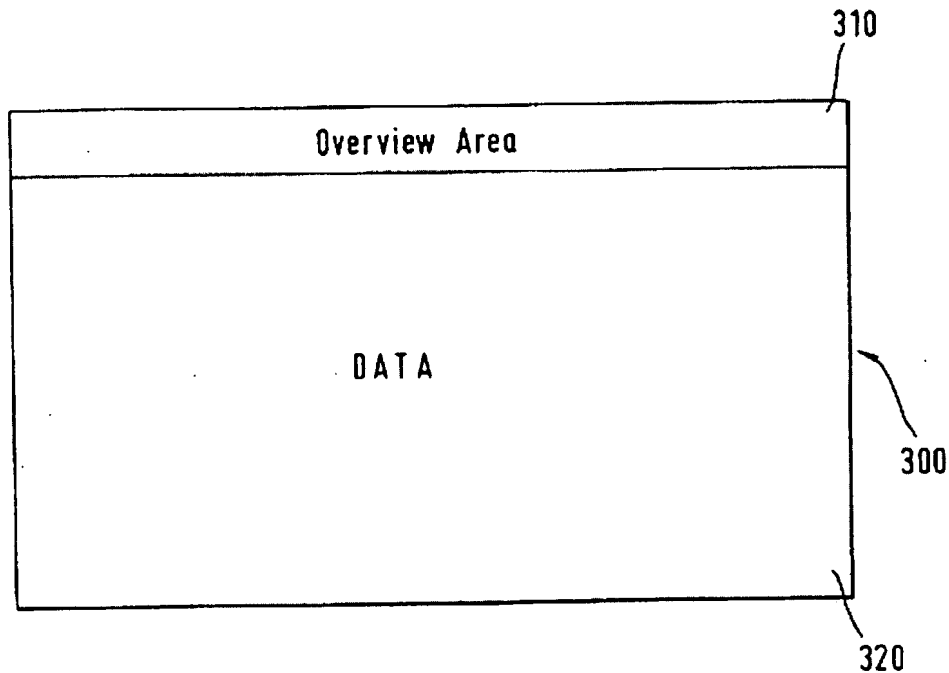
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bufe et al.

US Patent Number 6,731,311 B2.

In regards to the claims, Bufe et al. in column 3, lines 27-38, teaches: FIG. 3 shows a screen 300 of a (local) patient monitor according to a preferred embodiment of the invention. An area of the screen 300 is allocated as an overview area 310 for continuously displaying status information of other (remote) patient monitors connected with the local patient monitor e.g. via a data network. The remaining space of the screen 300 or parts thereof can be used as a data display 320, e.g. to show data (such as alarms, numeric signs, graphical data curves (waves), or status information) of a local or a remote patient. The data display 320 can represent the display 100 of FIG. 2.

**Fig.3**

Additionally Bufe et al. in column 4, lines 51-67 and column 5, lines 1-2, teaches:

FIG. 4C shows another example of the overview area 310. If, for example in the embodiment of FIGS. 4A and 4B, the permanently visible overview area 310 of the remote patient monitors is enlarged, the status of an individual patient monitor can be extended to display more or more detailed information. In the example of FIG. 4C, the upper left status field 400A shows a bed label, alarms, a subset of parameters and one wave for the respective related patient monitor.

In a preferred embodiment as depicted in FIG. 4D, the overview area 310 can also be used as entry point for operations to get more or more detailed information about one or more of the related patient monitors, or to invoke a remote operation such as to silence an alarm or to

Art Unit: 3736

change alarm limits. In the example of FIG. 4D, a pop-up window 450 will be opened by selecting (e.g. clicking on) the status fields 400E represented by a numeric sign "5". The pop-up window 450 represents data of the (remote) patient monitor assigned by the numeric sign "5" and can be further processed as known in the art.

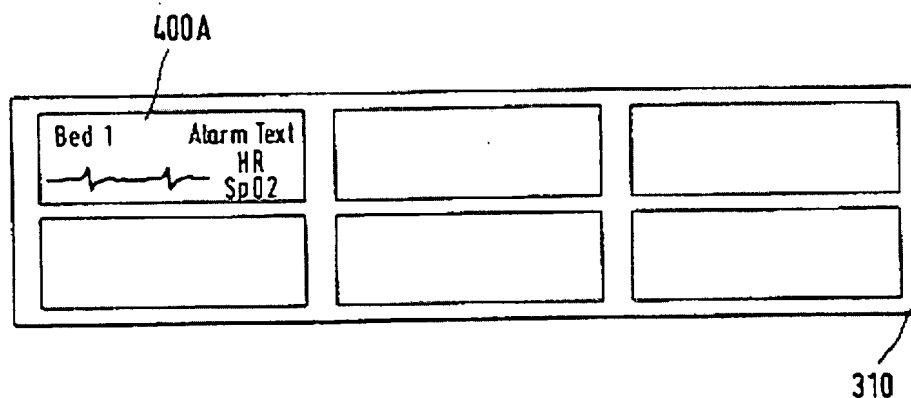


Fig. 4C

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bufe et al. US Patent Number 6,731,311 B2 in view of Kirshner US Patent Number 6,322,504 B1.

In regards to claims 3-8, Bufe et al. discloses everything except for a touch display screen as an input device. (See column 3, lines 27-38, column 4, lines 51-67 and column 5, lines 1-2).

Art Unit: 3736

However Kirshner a reference in an analogous art teaches the use of touch displays as an input device (column 5, lines 9-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the input device of Bufe et al. in view of touch screen of Kirshner, since Kirshner teaches that a touch screen is a well-known substitute for an input device.

### ***Response to Arguments***

Applicant's arguments filed April 30, 2007 have been fully considered but they are not persuasive.

Bufe et al. states alarms from different beds are displayed on individual patient monitors. Bufe et al. states *inter alia*, in column 4, lines 28-32, “[i]f more alarms from different beds are active at the same time, the related alarm texts are preferably rotated in the alarm text field(s), and the related status field 400 is highlighted respectively.” Thus, each alarm is displayed.

The amended claims add subject matter relating to ranking alarm parameters. Bufe et al. ranks each alarm at least the same - in other words each alarm condition has the same rank. As such when an alarm condition is displayed it is the highest ranked of the alarm conditions.

Additionally, two alarm conditions exist. The first is when an alarm condition is triggered. The second is when no alarm condition is triggered. Therefore the applied prior art has a plurality of alarm conditions. Furthermore because each alarm condition is displayed the highest ranked alarm condition is displayed.

**The Applicant is invited to request an interview to discuss suggestions to overcome the applied prior art.**

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Astorino whose telephone number is 571-272-4723. The examiner can normally be reached on Monday-Friday, 8:30AM to 3:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3736

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Astorino  
June 18, 2007

  
MARK WENDENBURG  
SENIOR PATENT EXAMINER  
ELECTRONIC BUSINESS CENTER 3700